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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,149	11/04/2003	Herbert Gerlach	047777/271178	5498

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EXAMINER	
MAYES, MELVIN C	

ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/701,149	GERLACH, HERBERT	
	Examiner	Art Unit	
	Melvin Curtis Mayes	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) *16-26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102 and 103

(1)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(2)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Smith 3,682,738.

Smith discloses a method of making of making laminate comprising: passing a fabric under a coater; applying a uniform coating of powdered material to the fabric; passing the fabric under a suction device which removes powdered material which has not been adhered to the fabric to form patterned areas of powdered material on the fabric; and adhering the fabric with patterned areas of powdered material to a laminating fabric positioned thereon. A shown in Figure 11, the patterned areas are one after another in the longitudinal direction of the fabric (col. 2-6).

(3)

Claims 1, 11 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pedigrew 4,675,209.

Pedigrew discloses a method of making a laminate for hygienic articles such as diapers comprising: applying adhesive to a moving core stratum in defined areas along the continuous core stratum; passing the core stratum through a container to apply and adhere absorbent particle material onto the core stratum in the areas of the adhesive; contacting both surfaces of the core stratum with brushes and a suction head to remove excess particles not adhered to the adhesive

areas and which have been deposited on the opposite, thus forming sharply defined areas of absorbent particle material along the core stratum; combining the core stratum with a protector sheet and cover layer; and cutting between the defined areas to form individual articles (col. 3-7).

Further, by passing the continuous core stratum through a container to apply and adhere absorbent particles to form defined areas along the core stratum, a first layer (the core stratum) is obviously directed along a longitudinal direction (the direction along which the continuous core stratum is passed) for applying a powder layer continuously and to produce powder layers arranged one after another in the longitudinal direction, as claimed.

(4)

Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedigrew as applied to Claim 1, further in view Heath et al. 5,494,622.

Heath et al. teach that in making an absorbent structure such as a diaper by supplying a carrier layer, applying particles of high-absorbency material to regions of the carrier layer and laminating covering layer with the carrier layer, continuous side attachment (longitudinal) regions and intermittent longitudinally-spaced (transverse) medial attachment regions of adhesive are applied to the covering layer for adhering the covering layer to the carrier layer and sandwich the pocket regions to form a composite web. Heath et al. further teach that after cutting the laminate into pads, the pads are laminated between a topsheet web and backsheet web to produce an article web for dividing into individual articles (col. 3-16).

It would have been obvious to one of ordinary skill in the art to have modified the method of Pedigrew for making a laminate for hygienic articles such as diapers by applying longitudinal and transverse regions of adhesive (binder) to the cover layer, as taught by Heath et

al, for adhering the covering (cover) layer to the carrier layer carrying regions of absorbent particles to sandwich the regions to form a composite web.

Applying either of the longitudinal continuous side attachment adhesive or the transverse intermittent longitudinally-spaced medial attachment regions of adhesive to either of the carrier layer (first layer) or cover layer (second layer), as claimed in Claim 3, instead of both to the cover layer, would have been obvious to one of ordinary skill in the art to provide adhesive for adhering the carrier and cover layers.

It would have been obvious to one of ordinary skill in the art to have further modified the method of Pedigrew by, after cutting to form individual articles, supplying the individual articles for further processing, as claimed in Claim 9 and 10, as Heath et al. teach that after the absorbent laminate is cut into pads (individual articles), the pads are subsequently laminated between a topsheet web and backsheet web to produce an article web for dividing into individual articles.

(5)

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedigrew as applied to Claim 1, further in view of Erspanner et al. 2002/0013560.

Erspanner et al. teach that in making an absorbent structure such as a diaper, functional particles for use in the absorbent core include particles which serve as absorbents, odor control agents, fragrances, detergent, antimicrobial agent and the like [0058].

It would have been obvious to one of ordinary skill in the art to have modified the method of Pedigrew for making an absorbent laminate for a diaper by providing in addition to the absorbent particle material, particles of odor control agent and/or detergent, as taught by Erspanner et al., as functional particles provided in the absorbent core of absorbent structures

such as diapers. Providing functional particles of odor-control agent and/or detergent with the absorbent particles in the adhesive areas of Pedigrew would have been obvious to one of ordinary skill in the art, as taught by Erspanner et al., as functional particulate material used in the absorbent cores of absorbent structures such as diapers.

Response to Arguments

(6)

Applicant's arguments filed April 13, 2005 have been fully considered but they are not persuasive.

Applicant argues that Pedigrew is concerned with the precise application of adhesive and, in Figure 4, the powder layer is not applied by spreading over the layer material but by immersion of the layer material and the adhesive is spread by the immersion.

(7)

Pedigrew may be concerned with precise application of adhesive to the layer material, but is not concerned with precise application of the particle absorbent, as evidenced by applying the absorbent by immersion and removal of excess particles not adhered to the adhesive areas. Applicant is not claiming applying the powder by spreading over the layer, as argued, but only claims "applying a powder layer...continuously along the longitudinal direction." Applying the absorbent by immersion applies a powder layer continuously along the longitudinal direction as claimed. Further, there is no evidence that the adhesive is spread over the layer material in Pedigrew during the immersion, as argued.

Conclusion

(8)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WO 95/03019 discloses a method of making an intermediate absorbent product comprising depositing absorbent material in powder form on a web and using rollers for locally removing the absorbent material in order to form desired patterns or configurations of the absorbent material.

(9)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

(10)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
July 5, 2005